

FILED

1 **MILES L. KAVALLER, A PROF. LAW CORP.**
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2012 JUN 12 PM 2:18

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

9 Attorney for Plaintiffs, HARTFORD FIRE INSURANCE
10 COMPANY AND MJC ENGINEERING & TECHNOLOGY, INC.

BY _____

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

HARTFORD FIRE INSURANCE
COMPANY AND MJC ENGINEERING &
TECHNOLOGY, INC.,

Plaintiff,

vs.

TOTAL TERMINALS INTERNATIONAL,
LLC, PORTS AMERICA, INC.,

Defendants.

Case No. CV12-5110-MWF
(EJ)
COMPLAINT FOR DAMAGED
CARGO UNDER CARRIAGE OF
GOODS BY SEA ACT.
(46 U.S.C. §§30701, et seq.)

Plaintiffs HARTFORD FIRE INSURANCE COMPANY ("Hartford") and MJC
ENGINEERING & TECHNOLOGY, INC. ("MJC")(hereinafter sometimes referred to
collectively as "Plaintiffs") by and through their attorney Miles L. Kavaller, Esq. of
Miles L. Kavaller, A Professional Law Corporation, for their Complaint against
Defendants TOTAL TERMINALS INTERNATIONAL LLC, ("TTI") and PORTS
AMERICA, INC. ("PAI") allege as follows.

1 **I. JURISDICTION AND VENUE.**

2 1. This United States District Court has jurisdiction over the parties and the
3 subject matter of this action under 28 U.S.C. §1337 in that the claims of the Plaintiffs
4 arise under federal law regulating commerce, to wit: the Carriage of Goods by Sea Act,
5 46 U.S.C. §30701, et seq. (hereinafter "COGSA").

6 2. Venue in this Central District of California is proper under 28 U.S.C.
7 §1391 in that the acts complained of occurred in Long Beach, California and the parties
8 conduct business in this district.

9 **II. THE PARTIES.**

10 3. At all times herein mentioned, Plaintiff, Hartford Fire Insurance Company
11 ("Hartford") was and is a corporation organized and existing under the laws of the State
12 of Connecticut with its principal place of business in Hartford, Connecticut and is
13 qualified to do business in the State of California. Hartford is in the business of an
14 insurance company.

15 4. At all times herein mentioned, Plaintiff, MJC was and is a corporation
16 organized and existing under the laws of the state of California with its principal place of
17 business in Huntington Beach, California. MJC is in the business of manufacturing heavy
18 duty spinning machines.

19 5. At all times herein mentioned, Defendant, Total Terminals International,
20 LLC, ("TTI"), was and is a limited liability company organized and existing under the
21 laws of the state of California with its principal place of business in Long Beach,
22 California. TTI is in the business of a marine terminal and stevedore operator and/or
23 warehouseman.

24 6. At all times herein mentioned, Defendant Ports America, Inc., ("Ports
25 America"), was and is a corporation organized and existing under the laws of one of the
26 states of the United States with its principal place of business in Iselin, New Jersey and
27 at all times material was authorized to, and doing business in, California with offices
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1 and/or agency in Long Beach, California. Ports America is in the business of a terminal
2 operator and stevedore.

3 **FIRST CLAIM UNDER COGSA: UNREASONABLE DEVIATION.**

4 7. This action involves damage and loss to one of two custom built, precision
5 spinning machines, being shipped from the Plaintiff, MJC in Huntington Beach,
6 California, to Sumec International Technology Company in Shanghai, China. The
7 spinning machine at issue was in good order and condition at origin but was not
8 delivered at destination in like good order and condition; rather, there was damage and
9 loss which occurred in the terminal prior to loading the cargo onto the ship.

10 8. Plaintiff, MJC, is and was at all times material the owner of, and had an
11 insurable interest in, the spinning machine. The value of the machine stated on the bill of
12 lading is \$1,050,000.00.

13 9. Plaintiff, Hartford, insured the spinning machine in question under a policy
14 of insurance.

15 10. Leman USA, Inc., a non-vessel operating common carrier, contracted with
16 MJC, the "Shipper/Exporter" named in the bill of lading, to transport the spinning
17 machine and issued a "Door to Port" combined transport bill of lading for the shipment,
18 B/L # 840-0157228, a copy of which is attached hereto as Exhibit A.

19 11. COSCO Container Lines Americas, Inc. ("COSCO") is a common carrier
20 for hire, shipping agent, freight forwarder and/or warehouseman. COSCO booked the
21 shipment at issue for ocean carriage and issued a Confirmed Booking. COSCO owned,
22 operated, maintained, and/ or supplied the flat rack container and chassis used in the
23 transport of the spinning machine.

24 12. Lester Box, Inc. located in Long Beach, holds itself out to be in the
25 business of packing, crating and securing shipments for ocean transport. Lester Box had
26 performed this service for MJC on similar machines several times before the shipment at
27 issue and packed and crated the two spinning machines to be transported, including
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1 securing, blocking, and bracing the spinning machines within their crates.

2 13. Walker Brothers rigged and secured the crate to the flat rack containers
3 upon which both spinning machines were shipped, including placement and lashing the
4 cargo on the flat racks, and loaded the cargo and flat racks on the two chassis of
5 Southern Counties Express, Inc. which transported them from MJC to the terminal
6 facilities of TTI in Long Beach.

7 14. Defendant, TTI, accepted both spinning machines into its care, custody,
8 and control, transferred the cargo from the two Southern Counties chassis to two chassis
9 of its own supplied by COSCO and/or Flexi-Van and was backing the cargo into a space
10 within the terminal at which time the chassis and the spinning machine at issue tipped
11 over and fell to the ground causing severe damage and rendering the spinning machine a
12 total loss.

13 15. Defendant, PAI provided the longshoreman utilized by TTI to move the
14 cargo within the TTI terminal to a parking space to await loading aboard the ocean
15 vessel.

16 16. On or about October 12, 2011, while the tractor and chassis containing the
17 spinning machine in question was being backed into a parking space at the TTI terminal,
18 the chassis tipped over and the spinning machine fell to the ground causing severe
19 damage and a total loss. Among other things, the survey reports prepared by various
20 parties including TTI, noted that the PAI and or TTI employees failed to secure the flat
21 rack on which the spinning machine was transported and secured to the chassis to which
22 the cargo was transferred after delivery by Southern Counties Express, using the locking
23 pins. Further, although the spinning machines were transported by Southern Counties
24 Express on "low-boy" trailers specifically designed for the transport of heavy machinery,
25 known as "out of gauge", TTI transferred the two spinning machines from the "low-
26 boy" trailers to standard flat bed trailers thereby raising the center of gravity by two to
27 three feet. Further, the seven of eight tires on the chassis on which the spinning machine
28 was transported in the TTI terminal were in poor condition. Taken together, these

1 deficiencies caused the chassis to tip and the spinning machine to fall off the chassis and
2 to the ground.

3 17. Plaintiff, MJC, made a claim under its policy of insurance with Plaintiff,
4 Hartford, and Hartford is subrogated to the interest of MJC to the extent of its payment
5 under the policy of insurance.

6 18. Plaintiff, MJC, has been damaged to the extent that its out of pocket
7 payments proximately caused by the cargo damage and loss are not covered under the
8 Hartford policy of insurance.

9 19. Plaintiffs, Hartford and MJC, have complied with any and all conditions
10 precedent to suit, or any such conditions have been excused.

11 20. Plaintiffs have filed a claim and otherwise demanded reimbursement of the
12 loss of \$1,050,000 from the Defendants and each of them which have been rejected and
13 no payment has been made.

14 21. COGSA § 3(2), 46 U.S.C. 30704, prohibits a carrier from inserting
15 in its bill of lading a provision avoiding its liability to carefully load, handle, stow, keep,
16 care for, and discharge the goods carried. Accordingly, those including Defendants TTI
17 and PAI whose activities are covered under the bill of lading have a contractual and
18 statutory duty to exercise due care in the handling of "Shipper/Exporter" MJC's cargo.

19 27. Defendants TTI and PAI violated that duty by their conduct as
20 alleged in paragraph 16 herein.

21 28. The conduct of Defendants TTI and PAI as herein alleged constitutes an
22 unreasonable deviation and deprives them of the benefit of the \$500 per package liability
23 limitation under § 16(a) of the bill of lading.

24 29. Plaintiffs have therefore been damaged in the sum of \$1,050,000 and seek
25 recovery thereof from Defendants TTI and PAI, jointly and severally, together with
26 prejudgment interest and costs of suit.

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1 WHEREFORE, Plaintiffs, HARTFORD FIRE INSURANCE COMPANY and MJC
2 ENGINEERING & TECHNOLOGY, INC. pray for judgment against the Defendants,
3 LEMAN USA INC., TOTAL TERMINALS INTERNATIONAL and LLC, PORTS AMERICA,
4 INC. In the sum of \$1,050,000, together with prejudgment interest from October 13,
5 2011, costs and such other and further relief as the Court deems just.

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7 Dated: May 29, 2012

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9 **MILES L. KAVALLER,**
10 **A PROFESSIONAL LAW CORP.**

11
12 By: 
13 Miles L. Kavaller, Esq.
14 Attorney for Plaintiffs,
15 HARTFORD FIRE INSURANCE COMPANY and
16 MJC ENGINEERING & TECHNOLOGY, INC.
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COMBINED TRANSPORT BILL OF LADING

(NOT NEGOTIABLE UNLESS CONSIGNED TO ORDER)

Shipper/Exporter BENEFICIARY: MJC ENGINEERING AND TECHNOLOGY, INC 15701 CONTAINER LANE, HUNTINGTON BEACH, CA 92649, U.S.A. TEL: 714-890-0618 FAX: 714-895-3561		Booking No. 8005085610	Bill of Lading No. 840-0157228
Consigned To TO ORDER		Export References 541	Control Ref. DOON TO PORT
Notify Party SUMEC INTERNATIONAL TECHNOLOGY CO., LTD. NO. 198 CHANGJIANG ROAD, NANJING, CHINA 210018 TEL: 0086-25- 84532512 FAX: 0086-25-84525370		For Delivery Apply to: M+R FORWARDING(CHINA) LTD 11TH FLOOR CENTRO NO. 568 HENG FENG ROAD SHANGHAI 200070, P.R. CHINA T:862161431000/F:862163539228	
Pre-Carriage by VALUE TRANSPORT	Place of Receipt HUNTINGTON BCH CA	Country of Origin USA	
Vessel & Voyage no. HANJIN KINGSTON 0027W	Port of Loading Long Beach, CA USA	Onward Inland Routing	
Port of Discharge SHANGHAI PORT, CHINA	Place of Delivery SHANGHAI PORT, CHINA	Pier	

PARTICULARS FURNISHED BY SHIPPER

Marks and Numbers	No. of Pkgs/Cont	Kinds of Packages; Description of Goods	Gross Weight	Measurement
CBHU1926512 134739	1	40' DRY CONTAINER	4755 KG	60 M3
CBHU1800308 134737	1	40' DRY CONTAINER	4755 KG	60 M3
CBHU8642349 134740	1	40' HIGH CUBE	8570 KG	60 M3
CBHU8184478 134738	1	40' HIGH CUBE	8570 KG	60 M3
TRIU0781312 N/A	1	40' FLAT RACK	20384 KG	60 M3
FSCU8400337 N/A	1	40' FLAT RACK	20384 KG	60 M3
SHIPPER'S WEIGHT, LOAD & COUNT	6	ON BOARD 2011/10/15	67418 KG (148629.72LB)	360 M3 (12711.6 CB)

FREIGHT PREPAID

THESE COMMODITIES, TECHNOLOGY OR SOFTWARE WERE
 EXPORTED FROM THE UNITED STATES IN ACCORDANCE WITH THE EXPORT
 ADMINISTRATION REGULATIONS. DIVERSION CONTRARY TO U.S. LAW IS PROHIBITED

Freight Charges Payable at ORIGIN	by SHIPPER	Cargo Insurance through Not covered	Number of Original B/L 3
Freight Rates and Charges TOTAL	Prepaid 	Collect 	Received the goods or packages said to contain them in after mentioned in original and order and condition unless otherwise indicated, to be transported and delivered or transhipped as herein provided, weight, measure, marks, quality contents and value as declared by the shipper, but unknown by the carrier. In accepting the Bill of Lading the merchant expressly accepts and agrees to all its conditions, exceptions and conditions, on both parties, whether written, printed, stamped or otherwise incorporated as fully as if they were all signed by the merchant. One of these Combined Transport Bills of Lading must be surrendered duly endorsed in exchange for the goods. In Witness whereof the original Combined Transport Bills of Lading all of this tenor and date have been signed in the number stated above, one of which being accomplished the others to be void. LEMAN USA INC. FMCR: 2488NF Issued At INGLEWOOD, CA Bill of Lading No. 840-0157228 Dated Signed

Cargo Insurance through the undersigned not covered unless instructed.

CONTINUATION FORM 1

Bill of Lading No.
840-0157228Departure Date
2011/10/15Page of Pages
2 of 2

PARTICULARS FURNISHED BY SHIPPER

Marks and Numbers	No. of Pkgs/Cont	Kind of Packages; Description of Goods	Gross Weight	Measurement
SHIPPER'S WEIGHT, LOAD & COUNT	6	DESCRIPTION OF GOODS: CNC SPINNING NECK-IN WORKSTATION, 2 SETS MODEL: OSC-16.200 UNIT PRICE: USD 1,050,000.00 TOTAL PRICE: USD 2,100,000.00 PRICE TERM: CIF SHANGHAI SHIPPING MARK: SUMEC/ZN1101-01 SHANGHAI, CHINA AES ITN : X20111011027228 ON BOARD 2011/10/15 FREIGHT PREPAID THESE COMMODITIES, TECHNOLOGY OR SOFTWARE WERE EXPORTED FROM THE UNITED STATES IN ACCORDANCE WITH THE EXPORT ADMINISTRATION REGULATIONS. DIVERSION CONTRARY TO U.S. LAW IS PROHIBITED	67418 KG (148629.72 LBS)	360 M3 (12711.6 CB)

LEMAN USA, Inc.
67 Walnut Avenue, Suite 201
Clark, NY 07066
Telephone: (848) 628-1030
Telefax: (848) 528-1010

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Michael Fitzgerald and the assigned discovery Magistrate Judge is Charles Eick.

The case number on all documents filed with the Court should read as follows:

CV12- 5110 MWF (Ex)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)

HARTFORD FIRE INSURANCE COMPANY AND MJC
ENGINEERING & TECHNOLOGY, INC.

DEFENDANTS

TOTAL TERMINALS INTERNATIONAL, LLC, PORTS
AMERICA, INC.,

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

MILES L. KAVALLER, A PROF. LAW CORP., 5850 Canoga Ave., Suite 250,
WOODLAND HILLS, CALIFORNIA 91367

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
 (Place an X in one box for plaintiff and one for defendant.)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☐ Yes ☒ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No

☒ **MONEY DEMANDED IN COMPLAINT: \$ 1,050,000**

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

COGSA § 3 (2), 46 U.S.C. 30704: DAMAGE TO CARGO

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS PERSONAL INJURY	TORTS PERSONAL PROPERTY	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General Habeas Corpus	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	PROPERTY RIGHTS
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 630 Liquor Laws	SOCIAL SECURITY
<input checked="" type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 891 Agricultural Act	REAL PROPERTY	IMMIGRATION	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 862 Black Lung (923) (405(g))
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 465 Other Immigration Actions			FEDERAL TAX SUITS
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				

FOR OFFICE USE ONLY: Case Number:

CV12-5110

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES	CONNECTICUT

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES	NEW JERSEY

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____

Date

5/29/12

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
CENTRAL District of CALIFORNIA

HARTFORD FIRE INSURANCE COMPANY AND MJC ENGINEERING
& TECHNOLOGY, INC.,

Plaintiff

v.

TOTAL TERMINALS INTERNATIONAL, LLC,
PORTS AMERICA, INC.,

Defendant

Civil Action No.

CV12-5110-MWF
(Ex)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

TOTAL TERMINALS INTERNATIONAL, LLC, 301 HANJIN ROAD, LONG BEACH, CALIFORNIA
90802

PORTS AMERICA, INC., 99 WOOD AVENUE SOUTH, ISELIN, NEW JERSEY 08830-2715

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: MILES L. KAVALLER, A PROFESSIONAL LAW CORP., 5850 CANOGA AVE., SUITE 250, WOODLAND HILLS, CALIFORNIA 91367

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Marilyn Allen
Signature of Clerk or Deputy Clerk

Date: JUN 12 2012

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: